

## McCambridge, Michael

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**From:** Westefer, Gary <westefer.gary@epa.gov>  
**Sent:** Thursday, November 19, 2015 8:42 AM  
**To:** McCambridge, Michael  
**Cc:** Mikalian, Charles; Marvel, Todd  
**Subject:** Comments for ARA 9 and others from the full review  
**Attachments:** Comments to IPCB for Illinois ARA 9.docx

*R16-7 PC#4*

Mike:

Attached are comments from the full Illinois Regulatory review performed in 2015.

The comments are three tiered.

The first tier contains only two comments. They are the only ones under a timeframe. They affect ARA 9 that IEPA is preparing now. You can enter this tier as comments from U.S. EPA.

The second tier are relative to comments on your program, most of which is already authorized. They can be looked at and corrected at any time you choose. You can log these as U.S. EPA comments or not log them as comments, that is at your discretion.

The third tier are items that are totally at your discretion. They do not have to be fixed unless you want them to be. Many create a slightly more stringent situation that could be caused by typos stale cites or other issues. They do not render the Illinois program more or less stringent, but due to your practice of identical in substance, you may wish to. These probably should not be logged as U.S. EPA comments as we respect a no action decision as well.

There are also queries. These are not comments.

## Comments for Illinois ARA 9

721.104(a)(17): In 721.104(a)(17)(E) Illinois uses the term *Non-land based*. In the Federal language (261.4(a)(17)(iv)), the term *land based* is used. This should either be corrected, or Illinois should indicate why Non-land based is correct.

728.101/268.1: Federally there used to be a 268.1(e)(5), which Illinois added. (e)(5) contained an exemption. Since then, U.S. EPA eliminated the exemption in (e)(5) and Illinois is less stringent in still allowing it. Illinois needs to eliminate the exemption in 728.101(e)(5).

Comments that are not part of the current ARA. These sections are already authorized and may be addressed at your leisure.

First some chemical discrepancies:

721.132 K listed wastes:

K 113 needs an R in the hazard code

K111 State has product wastewaters, Federal has product washwaters.

721.133 listed wastes

P054: Illinois lists Ethylenimine, should be Ethyleneimine

P114: Illinois has Thallium (I)Selenite, federal has Tetraethyldipyrophosphate

U248, the P needs to be removed from the CAS#

U164 4(1H) Pyrimidinone, 2,3,-dihydro-6-methyl-2-thioxo CAS number is 56=04-02. Illinois has it at 58-04-02.

721.107 and 722.132: In 722.132(b) Illinois rules say 450 liters (110 gallons) and in 721.107 the rules say 110 gallons (which is 416 liters). Actually 450 liters is 119 gallons (118.88), Illinois needs to correct both sections. Although in 722.132 there is only the need to correct the gallons to 119. The 450 liters is correct.

722.158(a)(1): Poland needs to be added to the list of OECD countries

724.194: In Table 1, the following chemicals need correction:

Methoxychlor (1,1,1 – Trichloro-2-2'bis (p-methoxyphenyl)ethane. Remove the apostrophe following 2-2 and the parenthesis following phenyl.

Toxaphene add C<sub>10</sub>H<sub>10</sub>Cl<sub>6</sub> to the beginning of the items in the parenthesis – (C<sub>10</sub>H<sub>10</sub>Cl<sub>6</sub>, Technical Chlorinated camphene, 67-69 percent chlorine)

724.244(a): the cite 724.603 should be 724.703.

724.245(a)(4): Illinois is missing the language in red, it should read: The owner or operator may accelerate payments into the trust fund or may deposit the full amount of current post-closure cost estimate the time the fund is established. However, the owner or operator must maintain the value of the fund... Illinois language makes maintaining the value of the fund an option, which it is not.

724.414(d): In subsection (d), Illinois requires that materials must pass a test in subsection (e)(2). This cite should be (d)(2) as (e)(2) does not contain a test but rather involves placement of a liquid in a landfill.

724.670(b): Illinois cites run-on run-off generated is not subject to 724.672(e) or (f) this cite should be 724.673 (e) or (f). There is no 724.672 (c),(d),(e), or(f).

724.671(d): Illinois cites compliance with a non-existent subsection 724.672(m) this should be 724.673(m).

724.1102(a): The federal rules require owners and operators of containment to meet the requirements of 40 CFR 264 Subparts G and H (financial responsibility and closure requirements). Illinois incorrectly cites to 35 IAC 739, which addresses used oil subparts covering standards for Used Oil Burners, and Used Oil fuel marketers.

725.173: in (b)(6) Illinois cites 725.1083 a non-existent section. This should be 725.983. in (b)(15), Illinois cites 725.196 (f), another non-existent section, this should be 725.296(f).

725.440(b)(1): Illinois cites submitting a Notification of Compliance under 40 CFR 63.1210(b). The federal cites 40 CFR 63.1210(d). (b) contains a Notification of Intent to comply, and(d) is Notification of Compliance. Just as a double check, I checked a couple of other states and they cited 40 CFR 63.1210(d) like the federal.

725.502(a)(2)(ii): Illinois is missing the last part of this subsection “ to show that this proposed treatment will meet all applicable requirements of 725.501 (a) and (b).”

725.964(k)(2): The Federal rule requires listing of hazardous waste effluent from units under 265.1052-1060. Illinois only requires 725.960. 725.952 through 959 are left off.

725.983(c)(2)(vi): Illinois requires VO concentration to be determined using procedures in 724.983 as opposed to the federal 724.984 (264.1084), also in (d)(5)(ii), Illinois cites (d)(4)(c) instead of D(5)(c). In the latter case there is no (d)(4)(c). Illinois needs to correct both.

725.985(h)(3)(B): Illinois exempts a tank from operation as a closed –vent system if 724.987 is met. The federal cites 724.988 (264.1088). The federal is correct. 987 covers containers. 988 covers the closed vent systems.

726.203 (c)(1)(f): Illinois cites to 726.207(b) as screening limits for metals. However, metals are at 726.206(b) - 726.207 covers HCl and Cl<sub>2</sub> emissions. Therefore, the “unless” clause is nonsensical. Illinois is in error and should reference 726.206(b)

726.203 (c)(1)(h): the total chlorine and chlorine feed rates screening limits are missing in the “unless” clause. With this error, the “unless” clause is nonsensical.

726 Appendix G: Some typos in chemicals: (you do not have to change the last three as you can stay more stringent)

Remove the second decimal point in p-Dichlorobenzene

Diethylstilbestrol the concentration limits should be 0.0000007 (more stringent now)

Ethylene dibromide, concentration limit should be 0.0000004 (more stringent now)

Hexachloro-p-dioxins, concentration limit should be 0.00000006 (more stringent now)

727.290(f)(1)(a): Illinois is missing the following language in red:

...operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, groundwater, or surface water.... (Federal language is in 267.195(a)(1)).

728.107(d)(2) and (d)(3): In 728.107(d)(2) and (d)(3), Illinois cites 721.102(f)(1); this cite should be 721.103(f)(1).

This also creates a consistency issue with (d)(1)(c) which cites the exemption in 721.103(e)(1) this is where Illinois codified their equivalent to 261.3 (c) (2) which is not the debris exclusion. 721.103(f)(1) is the proper cite.

728 Appendix C: Illinois has the error in Semivolatiles #20 Hexachlorophene should be Hexachloroprophene.

728 Appendix G (268 Appendix VII): The K088 listing has 2 issues. In the first listing Illinois has Mixed with Radioactive Wastes, the federal has all others and an April 8, 1998 date. The second listing has the date at October 8, 1997 instead of January 8, 1997. Actually Illinois' second entry would be correct for the first federal entry.

If Illinois can justify their entries are correct, nothing needs to be done, and we have a federal error. If not, Illinois should delete the first entry and add a second entry with all others and the January 8, 1997 date.

These are queries, they may not need change:

1. 721.103(g)

The exemption in 261.3(g)(4) [*an exemption from the mixture rule at 261.3(a)(2)(iv)*] is apparently not allowed in Illinois. Mike, is it Illinois' intent to not allow this exemption?

This is legitimate as not having this exemption means Illinois is therefore broader in scope, or more stringent. No change is necessary unless Illinois wishes to make a change.

2. 721.135: Illinois has no equivalent to 261.35 *Deletion of Certain Hazardous Waste Codes Following Equipment Cleaning and Replacement*. Changing this is optional. Currently you are more stringent.

3. 724.1089 (f)(1)

In this section Illinois allows exemptions found in 724.982 (c)(2)(A) through (c)(2)(e) the federal exemptions also include (c) (2)(f). As these are exemptions, Illinois is more stringent. This is OK No change is necessary unless it was a typo and Illinois does want to include the (c)(2)(f) exemption, federally found at 264.1082 (c)(2)(vi).

4. 702.123: Illinois does not have the owner information found in 270.13(e). Although not necessary, the lack of information could create a litigation problem in enforcement.

